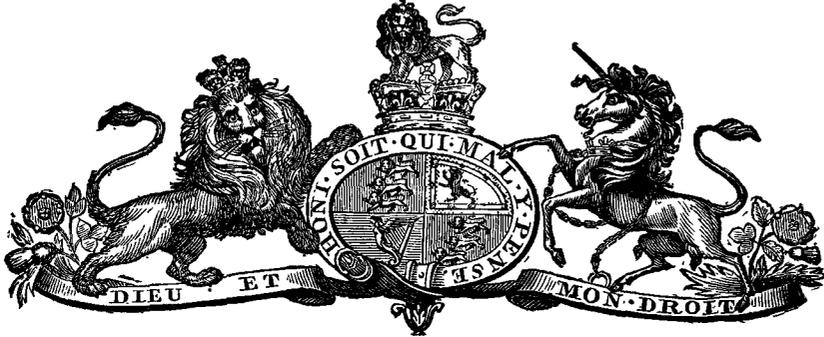


NEW ZEALAND.



TRICESIMO TERTIO ET TRICESIMO QUARTO

VICTORIÆ REGINÆ.

No. XVIII.

ANALYSIS.

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Title.

AN ACT to make Provision for the Regulation and Conduct of Elections of Members of the House of Representatives and Superintendents of certain Provinces and Members of Provincial Councils.

[12th September 1870.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

Short Title.

1. The Short Title of this Act shall be “The Regulation of Elections Act 1870.”

Commencement of Act.

2. This Act shall come into operation on the first day of September one thousand eight hundred and seventy.

Repeal of Acts. First Schedule.

3. The several Acts and parts of Acts specified in the First Schedule hereto are hereby repealed to the extent in the said Schedule mentioned. Provided that all elections commenced under the provisions of any of the Acts hereby repealed shall be carried on and concluded in the same manner as if this Act had not been passed and that all elections held and all writs issued under the provisions of any of the said Acts shall be deemed as valid and sufficient as if this Act had not been passed and that all appointments of officers clerks and polling places made before the coming into operation of this Act and then remaining unaltered shall be deemed to have been made under the provisions of this Act.

APPOINTMENT OF RETURNING OFFICERS AND POLLING PLACES.

Governor to appoint Returning Officers.

4. The Governor by warrant under his hand shall appoint a Returning Officer for each of the Electoral Districts within the Colony for the election of Members of the House of Representatives and may from time to time by warrant as aforesaid remove any Returning Officer and fill up any vacancy that may at any time occur by death removal resignation or otherwise in the office of Returning Officer for any Electoral District.

Members of House of Representatives not to be Returning Officers.

5. No person shall be appointed to be Returning Officer or substitute for the Returning Officer appointed under the provisions hereinafter contained or Deputy Returning Officer for any such Electoral District who shall at the time be a Member of the House of Representatives for such district or who shall at the time be a candidate at any election for the district for which such appointment is made and no Returning Officer or Deputy Returning Officer or substitute for the Returning Officer for any such Electoral District and no person who shall have been such Returning Officer and shall not by writing under his hand addressed to the Governor have resigned such his office at least thirty days before the day of nomination for any election for the same respectively and no person appointed as substitute for a Returning Officer or as Deputy Returning Officer for any such district shall be a candidate or be elected or returned or be a Member for such district.

Regulation of Elections.

6. Every Returning Officer shall before he shall enter upon any of the duties hereby assigned to him make and subscribe a declaration to the following effect before some Justice of the Peace who is hereby authorized to take the same—

Declaration by
Returning Officer.

I [A.B.] do solemnly declare that I will faithfully and impartially according to the best of my skill and judgment exercise and perform all the powers authorities and duties reposed in or required of me by "The Regulation of Elections Act 1870" as Returning Officer for the Electoral District of _____ and I do further solemnly promise and declare that I will not at any election for the said _____ attempt to ascertain save in cases in which I am expressly authorized by law so to do for what candidate any person shall vote or have voted and that if in the discharge of my said duties at or concerning any such election I shall have learned or have the means of learning for what candidate any person shall vote or have voted at such election I will not by word or act or any other means whatsoever directly or indirectly divulge or discover or aid in divulging or discovering the same save in answer to some question which I am legally bound to answer or in compliance with the express provisions of the law relating to parliamentary elections.

7. It shall be lawful for the Governor by warrant under his hand from time to time to appoint polling places for each Electoral District within or within one mile of the limits thereof and to appoint any one of such polling places to be the principal polling place for the district and all or any of such polling places from time to time to abolish and if he think fit to appoint other polling places in lieu of those abolished and every such warrant shall be published in the *New Zealand Gazette* Provided always that no polling place shall be appointed by the Governor under this Act unless he shall be first satisfied that the place to be appointed is more convenient than any other for at least twenty electors to record their votes thereat.

Governor to appoint
polling places.

ISSUE OF WRITS.

8. Writs for the election of Members of the House of Representatives shall in all cases be issued by and returnable to an officer to be appointed by the Governor by warrant under his hand who shall be called the Clerk of the Writs and who shall hold office during the Governor's pleasure or by the Deputy of the said Clerk appointed in like manner who shall act when the said Clerk is unable to act which Deputy is hereinafter included in the term "Clerk of the Writs" The Clerk of the Writs shall have a seal of office which shall be in such form as the Governor shall approve and he shall issue the said writs in obedience to warrants to be directed to him in the manner herein prescribed and the said writs may be in the form in the Second Schedule hereto or to the like effect.

Writs to be issued
by Clerk of the
Writs.

9. All writs for each election to be issued upon the expiration of the period of continuance of the House of Representatives for the time being or upon the previous determination of such House by its dissolution shall be issued upon the warrant of the Governor directed to the Clerk of the Writs.

Second Schedule.

Writs for general
election to be issued
on warrant of Govern-
nor.

10. The Chairman of Committees (if any) of the House of Representatives and any three other Members of the said House to be from time to time nominated by the Speaker shall form a Committee for the purposes hereinafter provided and every such nomination shall be in writing under the hand of the Speaker and be deposited with the Clerk of the Writs.

Committee to act in
place of Speaker
in certain cases.

Regulation of Elections.

In cases of resignation where no Speaker,

11. If any Member of the House of Representatives wishes to resign his seat in the interval between two Sessions of the General Assembly and there is then no Speaker of the said House or if the Speaker be absent from the Colony or if such Member be himself the Speaker he may address and cause to be delivered to any two Members of the said Committee his resignation under his hand and his seat shall thereafter become vacant and such two Members upon being satisfied of the vacancy shall forthwith address the warrant to the Clerk of the Writs and a writ for the election of a new Member shall issue accordingly.

Writ to issue on warrant of Members of Committee.

Writ to fill vacant seat during Session to issue on warrant of Speaker.

12. During any Session of the House of Representatives the Speaker of the said House shall forthwith upon being ordered so to do by the said House issue his warrant to the Clerk of the Writs to make out a new writ for electing a Member of the said House in the room of any Member whose seat shall have become vacant during such Session or previous thereto and a new writ shall issue accordingly but where a vacancy has occurred prior to or immediately after the first meeting of a new Parliament or within fourteen days after the return of the Member whose seat is vacated or if the seat which has been vacated be claimed on behalf of another candidate no writ shall be issued until after the time limited for receiving election petitions.

Writs to fill up vacant seats during recess.

13. During any recess of the House of Representatives whether by prorogation or adjournment the Speaker of the said House shall issue his warrant to the Clerk of the Writs to make out a new writ for electing a Member of the said House in the room of any Member whose seat shall become vacant either during the recess or previous thereto as soon as it shall be established to his satisfaction that such vacancy has occurred and a new writ shall issue accordingly Provided that the Speaker shall not issue his warrant until six days after the insertion by him in the *New Zealand Gazette* of a notice of the alleged cause of vacancy.

Time for issue of Speaker's warrant.

14. The Speaker of the said House shall not issue such warrant unless the return of the writ by virtue of which the Member whose seat has become vacant was elected shall have been made to the Clerk of the Writs fifteen days at least before the commencement of the recess nor unless there is an interval of time between the issue of such warrant and the day then fixed for the next meeting of the said House for despatch of business sufficient to enable the writ to be issued before the day fixed for such meeting nor shall such warrant issue if the seat shall have been vacated by a Member against whose election or return a petition was depending at the time of the then last prorogation of the General Assembly or adjournment of the said House.

Quorum of Committee for exercise of functions.

15. During any such recess as aforesaid any two Members of the said Committee may execute all and singular the powers given to the said Speaker for issuing such warrants as aforesaid during a recess subject nevertheless to such restrictions and regulations as are herein contained but the powers conferred by this section shall be deemed to be conferred only in the case of there being no Speaker of the said House or of the Speaker being absent from the Colony or in the case of the Member whose seat is vacated being such Speaker.

Supersedeas to writs unduly issued.

16. If any writ shall have been unduly issued during any Session the Speaker of the House of Representatives shall forthwith on being ordered so to do by the said House issue a warrant under his hand to the Clerk of the Writs directing him to issue a writ of *supersedeas* to any such writ and a writ of *supersedeas* shall issue accordingly and if any writ shall have been unduly issued during any recess

Regulation of Elections.

in pursuance of any warrant given by the Speaker of the House of Representatives or any Members of any such Committee as aforesaid such Speaker or Members of such Committee as the case may be may during such recess and before the nomination issue his or their warrant to the Clerk of the Writs directing him to issue a writ of *supersedeas* to any such writ and a writ of *supersedeas* shall issue accordingly.

17. Every writ shall be returnable to the Clerk of the Writs on such day within sixty days from the day of issue thereof as shall be appointed in the warrant for the issue of the writ and named in the writ and every such writ shall be directed to the Returning Officer of the district for which the election is to be held.

Return of writs.

PROCEEDINGS AT ELECTION.

18. Whenever a writ for the election of a Member of the House of Representatives shall be received by any Returning Officer he shall indorse thereon the day on which he shall have received it and shall forthwith fix and give not less than seven nor more than thirty days' notice of the day and hour on which the nomination shall take place and shall also give notice of the day on which a poll if necessary will be taken in the form in the Third Schedule hereto by publishing the same together with the notice at the foot thereof in the said Schedule twice in one or two newspapers published within the Electoral District for which such writ shall have been issued and if there be no such newspaper then in one or two newspapers published at the place nearest to the principal polling place of the district or in some other convenient manner within the Electoral District calculated to give in the opinion of the Returning Officer full publicity to the same.

Returning Officer to fix day of nomination and of poll.

Third Schedule.

19. The Returning Officer shall forthwith on the receipt by him of any such writ of election as aforesaid appoint by writing under his hand some fit person to be substitute for such Returning Officer and if the Returning Officer shall die or if by reason of his sickness or any other unavoidable cause he shall be unable to do or suffer any acts or things relating to such election and shall notify the same to such substitute then such substitute at any time may and shall as and for the Returning Officer do and suffer all such acts and things and subject in every such case to the like provisions as though he were the Returning Officer.

Returning Officer to appoint substitute.

20. On the day of nomination the Returning Officer shall preside at a meeting to be held at noon at the principal polling place of the district and shall declare the purpose for which the meeting is held.

Returning Officer to preside at nomination.

21. Every candidate shall be proposed by an elector duly qualified to vote at the election and seconded by another elector so qualified and if there be no more candidates proposed and seconded than the number of Members to be returned the Returning Officer shall publicly declare the candidate or candidates then duly proposed and seconded to be duly elected and shall make a return accordingly.

Candidates to be proposed and seconded.

22. In the event of there being more candidates proposed and seconded than the number of Members to be returned the Returning Officer shall call for a show of hands separately in favour of each candidate and after such show shall declare the persons in whose favour the show of hands shall appear to have been and if thereupon a poll be not demanded by one of the candidates or by not less than two electors the Returning Officer shall declare such persons to be duly elected.

Show of hands.

23. The names of the persons so declared to be elected shall be indorsed on the writ by the Returning Officer as the persons duly

Names of persons elected to be indorsed on writ.

Regulation of Elections.

elected in pursuance thereof and the writ shall be returned by him to the Clerk of the Writs forthwith.

Candidates may resign.

Fourth Schedule.

24. It shall be lawful for any candidate so nominated as aforesaid at any time thereafter but not later than two clear days before the day of polling to withdraw his name as a candidate by giving to the Returning Officer a notice in the form in the Fourth Schedule hereto or to the like effect signed by the said candidate in the presence of and attested by a Justice of the Peace and whenever any candidate shall so withdraw the Returning Officer shall forthwith publish such notice in such manner as he shall deem best calculated for giving full publicity to the same and if after such withdrawal there shall be no more candidates than the number of Members to be returned no poll shall be taken and the Returning Officer shall forthwith publicly declare the remaining candidates to be duly elected (as though the number of candidates had not exceeded the number of Members to be elected) and shall insert at the foot of such last-mentioned notice a notice in the form in the Fifth Schedule hereto or to the like effect that the remaining candidates are duly elected and shall indorse the writ accordingly and shall return the same to the Clerk of the Writs forthwith Provided that if after such withdrawal the number of candidates remaining exceed the number of Members to be returned the Returning Officer shall omit the name of every candidate whose name is withdrawn from the ballot papers to be printed as hereinafter provided or if any such ballot papers be already printed he shall erase from such printed ballot papers the name of every candidate whose name is withdrawn and shall publish the said notice of withdrawal in such manner as he shall deem best fitted to give publicity to the same and the poll shall be held as if the remaining candidates alone had been proposed.

Fifth Schedule.

Procedure when poll demanded.

25. If a poll be demanded as aforesaid the Returning Officer shall then declare the day on which the same shall be held being the day so to be fixed as aforesaid and the poll shall thereupon stand appointed for such day and on that day at every polling place of which notice shall have been given as aforesaid and at no other the poll shall be opened unless the candidates shall before such day be reduced by withdrawal to a number not exceeding the number of Members to be returned.

Ballot papers to be printed.

Sixth Schedule.

26. Forthwith after a poll shall stand appointed for any election the Returning Officer shall cause ballot papers to be printed with the Christian names and surnames of all the candidates at such election and of no other persons in full in the form in the Sixth Schedule and if the Christian names and surnames of any two or more candidates be the same they shall be distinguished upon such ballot papers by the addition of their residence and occupation and the directions in the said Schedule shall be of the same force as if they had been provisions contained in this Act.

Booths to be provided.

27. For taking the poll at any election the Returning Officer shall cause booths to be erected or rooms to be hired or otherwise provided and used as such booths at each polling place as occasion may require but so that there shall be at each polling place one booth at least for every six hundred electors entitled to vote at such polling place and for any fractional number exceeding six hundred or exceeding any multiple thereof to which the number of electors so entitled shall reach and if under this provision there shall be more than one booth at any polling place there shall be affixed over the entrance of each booth in succession so many letters of the alphabet in their alphabetical order as shall denote the booth at which each elector according to the initial letter of his surname is to vote and no elector shall be permitted

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to vote in any booth save that which is so denoted by the initial letter of his surname Provided always that no polling booth shall be in any house licensed for the sale of fermented or spirituous liquors or upon the premises appertaining to such house.

28. Each booth shall be so divided or arranged that there shall be in the same one or more inner compartments opening only into that part of the booth in which the ballot box is kept and the Returning Officer or his Deputy shall provide in every such compartment pencils or pens and ink for the use of the electors and shall also provide for each booth a ballot box having a lock and key and with a cleft or opening therein capable of receiving the ballot papers herein mentioned.

Internal arrangement of booth.

Ballot box.

29. The Returning Officer of each Electoral District shall conduct the election at some one booth at the principal polling place with such Clerks to be appointed by him as may be required and shall appoint in writing on the occasion of such election a Deputy to act for him and take the poll at each of the other booths of the several polling places for the district and such deputies shall appoint such Clerks as may be required to assist in taking the poll.

Returning Officer and Deputies to act at booths.

30. Every Substitute of a Returning Officer and every Deputy Returning Officer and Poll Clerk shall before he shall enter upon any of the duties hereby assigned to him with regard to any election make and sign before some Justice a declaration to the effect following—

Declaration by Substitutes Deputies and Poll Clerks.

I [A.B.] do solemnly declare that I will faithfully and impartially according to the best of my skill and judgment exercise and perform all the powers authorities and duties reposed in or required of me by "The Regulation of Elections Act 1870" as Substitute of the Returning Officer [or Deputy Returning Officer or Poll Clerk as the case may be] with regard to the election of a Member for the Electoral District of _____ and I do further solemnly promise and declare that I will not at the said election attempt to ascertain [Add in the case of a Substitute or of a Deputy Returning Officer save in the cases in which I am expressly authorized by law so to do] for what candidate any person shall vote or have voted at the said election and that if in the discharge of my duties at or concerning the said election I shall have learned or have the means of learning for what candidate any person shall vote or have voted thereat I will not by word or act or by any other means whatsoever directly or indirectly divulge or discover or aid in divulging or discovering the same save in answer to some question which I am legally bound to answer or in compliance with the express provisions of the law relating to parliamentary elections.

31. Before the day of polling the Returning Officer shall deliver to each of the Deputies for use at each polling booth copies of all rolls in force for the district in and for which the poll is to be taken thereat certified under his hand to be true copies and shall also deliver to each Deputy and himself retain such numbers respectively of the ballot papers as shall be sufficient for the use of the electors who shall be entitled to vote at each booth at which such Returning Officer and Deputies respectively are to take the poll and every Returning Officer and Deputy shall keep an exact account of the number of ballot papers so delivered.

Rolls and signed ballot papers to be issued to Deputies.

32. Each candidate or if he omit to do so his proposer on his behalf shall be entitled to appoint in writing under his hand one person not being a candidate to be Scrutineer on behalf of such candi-

Scrutineers may be appointed.

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business license which shall entitle him to exercise such right of voting and shall demand a ballot paper.

39. When any person shall have tendered his vote at any polling place in manner hereinbefore required the Returning Officer or Deputy shall ascertain that the name given by such person is upon the miner's right or business license (if any) exhibited by him or (as the case may be) upon the electoral roll of electors in force for the district.

Returning Officer to ascertain that voter's name is on roll or miner's right.

40. After having found upon the proper roll if necessary the name intended by any person tendering his vote the Returning Officer or Deputy may if he think fit and shall if required so to do by any Scrutineer or by any two persons entitled to vote at the polling booth at which he presides put to any such person before he shall have received a ballot paper and not afterwards the questions following hereinafter called "the prescribed questions" (that is to say)—

Questions to be put to voter.

- (1.) Are you the person whose name appears as [A.B.] in the roll in force for the Electoral District of
- (2.) [*If the person claims as the owner of a miner's right or business license*—Are you the person whose name appears as [A.B.] on the miner's right (or business license) now presented?
- (3.) Have you already voted here or elsewhere at this present election?
- (4.) [*If the person claims to vote as the holder of a miner's right or business license*—Are you a natural born or a naturalized subject of Her Majesty Queen Victoria?
- (5.) Are you twenty-one years of age?

41. The Returning Officer or Deputy may if he think fit and shall if called upon so to do by any Scrutineer require of any person tendering his vote before he shall receive a ballot paper to make a solemn declaration against bribery in the manner and form following (that is to say)—

Declaration against bribery may be demanded.

I [A.B.] do solemnly declare that I have not received or had by myself or any person whatsoever in trust for me or for my use or benefit or for the use or benefit of any member of my family or kindred or any friend or dependent directly or indirectly any sum of money office place of emolument gift or reward or any promise or security for nor do I expect to receive any money office place of emolument gift or reward by way of consideration either expressed implied or understood for giving my vote at this election.

42. If any person having tendered his vote to whom the prescribed questions shall be so put as aforesaid shall refuse or omit distinctly to answer the same and each part thereof or shall not answer absolutely in the affirmative such of the first two of the prescribed questions as shall apply to his claim to vote and absolutely in the negative the third of the prescribed questions and absolutely in the affirmative the fourth and fifth of the prescribed questions if put to him and if any person having tendered his vote and being so required to make such declaration as aforesaid shall refuse or omit so to do he shall be and be deemed prohibited from voting then or afterwards at such election and shall be guilty of an offence and on conviction shall forfeit and pay for the same a penalty not exceeding twenty pounds.

Voter not answering questions properly not to vote.

43. When any person shall have tendered his vote in manner hereinbefore mentioned and the name in which he shall demand to vote shall appear in a roll in force for the district or on a miner's right or business license entitling such person to vote at such election the Returning Officer or Deputy shall unless such person be prohibited from voting for some of the causes hereinbefore mentioned forthwith write

Ballot paper to be delivered to voter.

Regulation of Elections.

upon the back of one of the ballot papers as near as practicable to the lower edge thereof the number corresponding to the number set opposite such person's name in such roll or the number of the miner's right or business license or such other particulars as may be necessary to identify the same and so that in folding up such ballot paper as hereinafter mentioned the voter may easily conceal from view the said writing and shall cause such ballot paper to be marked conspicuously on the back with a stamp varying at each election the form thereof to be determined by the Governor in Council and shall deliver to such person such ballot paper and shall forthwith mark upon a certified copy of such roll against the name of such person the fact of his having received such ballot paper or if he be the holder of a miner's right or business license shall impress thereon such distinguishing stamp or mark as the Governor in Council shall heretofore have appointed under "The Miners Representation Act 1862" or shall hereafter from time to time appoint under this Act.

Voter to strike out names and deposit paper in box.

44. Every person to whom a ballot paper shall have been delivered as aforesaid shall forthwith retire alone to some unoccupied compartment of the polling booth and shall there alone and without delay strike out from such ballot paper the names of the candidates for whom he does not intend to vote and shall forthwith fold up such ballot paper in such manner as will conceal the names of the candidates and will display the stamp on the back thereof and deposit it in the ballot box in the presence of the Returning Officer or Deputy Provided that the Returning Officer shall not allow any ballot paper to be deposited in the box unless the stamp on the back thereof be displayed.

Number of votes to be given by each voter.

45. At every election for any district each elector may give and exercise as many votes as there are Members to be then and there elected for such district and at every such election every such elector may give not more than one vote to each or any candidate not exceeding the number of Members then to be elected and any ballot paper recording more than the legal number of votes at any election shall be rejected at the close of the poll.

Proceeding when second vote tendered in same name.

46. If at any polling booth any ballot paper shall have been delivered to any person having tendered his vote and if any other person shall afterwards tender his vote at such booth as of the same person in whose name such first-mentioned person shall have received such ballot paper the Returning Officer or Deputy shall put to the person so secondly tendering the prescribed questions and such person shall and may be dealt with in all respects in like manner as any other person having tendered his vote but the ballot paper of such person shall not be deposited in the ballot box or allowed by the Returning Officer or Deputy and shall be set aside by him for separate custody.

Provision for voter unable to read.

47. If any person to whom a ballot paper shall have been delivered as aforesaid shall be blind or be unable to read and shall signify the same to the Returning Officer or Deputy such Returning Officer or Deputy may and shall at the request of such person and for him and in presence of a witness if so desired by such person strike out in the polling booth from such ballot paper the names of such candidates as such person may designate.

Penalty for taking ballot paper out of polling booth.

48. If during the polling at any election any person shall wilfully take any ballot paper out of the polling booth save into one of the compartments aforesaid he shall be guilty of a misdemeanour punishable with fine or fine and imprisonment with or without hard labour for any term not exceeding two years.

Penalty for entering compartment or

49. If any person shall knowingly and wilfully enter any of the compartments aforesaid while any other person shall be therein or if

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any person being in any such compartment shall wilfully remain there for a longer time than such as shall be reasonably required for the purpose of striking out the names from his ballot paper or if any person shall otherwise wilfully obstruct or unnecessarily delay the proceedings at any such polling he shall on conviction forfeit and pay for every such offence a penalty not exceeding fifty pounds.

remaining there
without reason.

50. If any person to whom any of the prescribed questions shall be so put as aforesaid shall wilfully make a false answer to the same or any part thereof and if any person shall wilfully make a false declaration in manner aforesaid or shall personate any elector for the purpose of voting at any election or shall present any miner's right or business license not issued to him with intent to vote in respect thereof or shall vote twice at any election for the same district or wilfully and knowingly deposit in the ballot box at any polling place more ballot papers than one or any paper not being the ballot paper delivered to him he shall be guilty of a misdemeanour punishable with fine or fine and imprisonment with or without hard labour for any term not exceeding two years.

Penalty for giving
false answer
personation and
voting twice.

51. Every Returning Officer and Deputy shall have power and authority to maintain order and keep the peace at any election or polling held by him and without any other warrant than this Act to cause to be arrested and taken before a Justice any person reasonably suspected of committing or attempting to commit at any polling place any of the offences which are made misdemeanours hereby and also to cause to be removed any person who shall obstruct the approaches to any polling booth or wilfully or unnecessarily obstruct or delay the proceedings at the polling or conduct himself in a disorderly manner or cause a disturbance at any election and all constables and peace officers shall aid and assist such Returning Officer or Deputy in the performance of his duty.

Maintenance of
order.

52. Immediately upon the close of the poll the Returning Officer and every Deputy at the polling place at which each shall preside shall in the presence and subject to the inspection of such of the Scrutineers as choose to be present and the Poll Clerks (if any) but of no other persons open the ballot box and proceed to ascertain the number of votes for each candidate and shall upon and after such opening both abstain himself from inspecting the writing upon the back of the ballot papers and take care that the same is not seen by any person present before the papers are enclosed in a sealed parcel as herein provided.

Number of votes to
be ascertained on
close of poll.

53. Immediately after ascertaining the total number of votes as last aforesaid each Deputy Returning Officer shall make up in one parcel the ballot papers which shall have been used in voting at his polling booth during the election in another separate parcel the ballot papers which shall have remained unused thereat in another separate parcel the ballot papers which shall as herein provided have been set aside for separate custody thereat and in another separate parcel all books rolls and papers kept or used by him during the polling except the certified copies of rolls supplied to the said Deputy on which the fact of any person having received a ballot paper has been noted as by this Act provided and shall seal up the said several parcels and shall permit any of the Scrutineers who may desire to do so to affix his or their seals to such parcels and shall indorse the same severally with a description of the contents thereof and with the name of the district the name of the place of polling and the date of the polling and sign with his name the said indorsement and shall transmit the said parcels to the Returning Officer.

Books and papers
to be made up in
parcels.

54. Each Deputy shall together with the parcels aforesaid transmit to the Returning Officer the certified copies of rolls supplied to the said

Deputies to make
returns to Returning
Officer.

Regulation of Elections.

Deputy on which the fact of any person having received a ballot paper has been noted as by this Act provided and a list of the total number of votes received by each candidate and also an account in which such Deputy shall charge himself with the number of ballot papers originally delivered to him specifying therein the number thereof delivered to and used by voters and the number not so delivered or left unused and the number set aside as aforesaid for separate custody and every such list and account respectively shall be verified as well by the signatures of the said Deputy and the Poll Clerk (if any) as also by the signatures of such of the Scrutineers as shall be present and shall consent to sign the same.

Returning Officer to make up parcels.

55. The Returning Officer shall in respect of the polling booth at which he himself shall have presided make up in separate parcels in like manner as is herein required of Deputy Returning Officers all ballot papers used unused or set aside as aforesaid and all books rolls and papers except the certified copies of rolls on which the fact of any person having received a ballot paper has been noted as by this Act provided kept or used by him at such polling booth and shall seal up and also permit to be sealed up by the Scrutineers and shall indorse in like manner as aforesaid the said several parcels and deal with the same as hereinafter provided and shall also make out in respect of the said booth the like list as herein required in the case of Deputy Returning Officers which said list shall be verified by the signature of the Returning Officer the Poll Clerk (if any) and Scrutineers in manner aforesaid.

Returning Officer may select ballot paper and disallow votes.

56. The Returning Officer shall in the presence and hearing of such Scrutineers as shall be present compare with one another all the certified copies of rolls on which the fact of any person having received a ballot paper has been noted by himself or any Deputy as by this Act provided and if on such comparison it shall appear that the same person has received a ballot paper at two or more polling places the Returning Officer shall in the presence of such Scrutineers as choose to be present open the parcels of ballot papers used at the several polling places at which such person shall appear to have received any ballot paper and shall select therefrom the ballot papers on which the number corresponding to the name of such person shall appear and shall disallow every vote appearing to have been given by means of the ballot papers so selected. Provided that upon and after the opening of such parcel the Returning Officer shall both abstain himself from inspecting the faces of the ballot papers in the several parcels other than the ballot papers selected therefrom so opened and shall take care that the faces of the same are not seen by any person present.

After selection parcels to be sealed up.

57. When the Returning Officer has selected from any parcel all the ballot papers which he is required to select therefrom he shall forthwith close and seal up the said parcel and shall also permit the Scrutineers to seal up the same and shall indorse thereon a memorandum of the fact of ballot papers having been selected from such parcel specifying the same by the name of the person to whom the same shall appear to have been delivered and shall sign the indorsement with his name.

Selected papers to be sealed up.

58. The Returning Officer shall set aside all ballot papers selected by him from any parcel as herein provided and shall seal up the same in a separate parcel and shall also permit the Scrutineers to seal up the same and shall indorse the same with a description of the contents thereof and shall sign the indorsement with his name.

State of poll to be made up.

59. The Returning Officer shall make up from the list made out by him as last aforesaid and from the lists so transmitted by the Deputy Returning Officers as aforesaid (corrected by disallowing votes if need be) the general state of the poll and shall at the principal

Regulation of Elections.

polling place of the district and at a time to be fixed of which at least forty-eight hours' notice shall have been given in such manner as he may deem best calculated to give publicity to the same announce the number of votes given to each candidate and declare those candidates not exceeding the number to be elected who have received at all the polling places the greatest number of votes to be duly elected as Members for the district and if two or more candidates shall have received an equal number of votes the Returning Officer shall in such case have the casting vote but shall not otherwise vote at such election and the names of the persons so elected shall be indorsed on the writ by the Returning Officer and the writ shall be by him returned to the Clerk of the Writs and within the time specified therein forthwith.

Declaration of result of election.

Casting vote.

60. The Returning Officer shall as soon as practicable after the day of polling at any election enclose in separate packets in manner hereinafter mentioned as well all the parcels so as aforesaid transmitted to him as also those made up and sealed by himself in respect of the polling booth at which he shall have presided (that is to say) he shall enclose in one separate packet all parcels of used ballot papers in another all parcels of unused ballot papers in another all parcels of ballot papers set aside as aforesaid and in another all parcels containing copies of rolls books or other papers as herein provided and shall seal up the said several packets and indorse the same with a description of the contents thereof respectively and the name of the district and the date of the polling and sign with his name the said indorsement and shall forthwith forward the said packets and also the parcel of ballot papers selected as aforesaid to the Clerk of the House of Representatives to be by him safely kept for two years and he shall also at the same time seal up and transmit to the said Clerk a parcel containing all ballot papers which shall have been printed for the said election and not used by the Returning Officer or distributed for use to his Deputies and the said Clerk shall forthwith give or send to the Returning Officer a receipt under his hand for the said packets and parcel.

Parcels to be made up in packets and sent to Clerk of House of Representatives.

61. Any ballot paper and any copy of a roll and any book purporting to be taken from any such parcel as aforesaid and having written thereon respectively under the hand of the Clerk of the House of Representatives for the time being a certificate of the several particulars hereby required to be indorsed upon such parcel and that the same was so taken from such parcel shall be evidence in any Court of Justice or before any Committee of the House of Representatives that the same was so taken and that the same if a ballot paper was deposited and if a roll or book was kept or used at the election and booth to which such indorsement and writing relate and every such ballot paper so certified shall be evidence of a vote given at such election and the correspondence of the number appearing on such ballot paper with the number appearing on any roll so certified as of the same election and booth against any name shall be evidence of the person so named having voted at such election and booth and according to the tenor of the said ballot paper except in the case of the ballot papers set aside or selected and set aside by a Deputy Returning Officer or by the Returning Officer when such correspondence shall be evidence only of some person having voted in the name appearing on such roll.

Papers taken from parcels to be evidence.

62. If any person shall knowingly and wilfully break the seal of or open any such sealed parcel or sealed packet as aforesaid unless he be by the lawful command of some competent Court or other tribunal required so to do or called upon to produce some portion of the contents of such parcel or packet he shall be guilty of a misdemeanour

Packets not to be opened except by command of Court.

Regulation of Elections.

Provided always that as to any parcel or packet containing ballot papers set aside or selected and set aside under the provisions of this Act it shall be lawful for the Court to direct any person to open any such packet or parcel and extract any ballot paper therefrom.

Adjournment of poll.

63. When the proceedings for taking of the poll at any election shall be interrupted or obstructed at any place by any riot or open violence the Returning Officer or Deputy (as the case may be) shall not for such cause finally close the poll but shall adjourn the taking of the poll at the polling place at which such interruption or obstruction shall have happened to the following day and if necessary such Returning Officer or Deputy shall further adjourn such poll until such interruption or obstruction shall have ceased when such Returning Officer or Deputy shall again proceed with the taking of the poll at the place at which the same may have been so interrupted or obstructed but so that the poll shall be kept open for seven hours in the whole and no more.

Declaration of poll to be postponed in case of adjournment.

64. Where any poll shall have been adjourned as aforesaid by any Deputy of the Returning Officer such Deputy shall forthwith give notice thereof to the Returning Officer and in every such case the Returning Officer shall not notify the total number of votes given or finally declare upon which candidates the election has fallen until the poll so adjourned shall have been finally closed and the ballot papers transmitted to the Returning Officer.

Adjournment not to extend beyond return day of writ.

65. No such adjournment as aforesaid of the proceedings at any election shall be made or extend to the day named as the return day in the writ for such election and if the polling shall not have been completed before the day named the Returning Officer shall forthwith indorse that fact upon the writ and shall return the same to the Clerk of the Writs.

Election not to be affected by want of title in officers.

66. No election shall be liable to be questioned by reason only of any defect in the title or any want of title of the person by or before whom such election or any polling for the same shall have been held if such person have been actually appointed to preside or have been acting in the office giving the right so to preside at such election.

Governor in Council may rectify misfeasances.

67. No election shall be void in consequence only of there having been no Returning Officer at the time of the issue of the writ or of any delay in the return of the writ and where any accidental or unavoidable impediment misfeasance or omission shall have happened the Governor in Council may take all such measures as may be necessary for removing such impediment or rectifying such misfeasance or omission or may declare any or all of the proceedings at or for any election valid as to and notwithstanding such impediment misfeasance or omission and every such Order in Council shall state specifically the nature of the impediment misfeasance or omission and shall be forthwith published in the *New Zealand Gazette*.

Votes not to be disclosed.

68. If any Returning Officer or the Substitute of any Returning Officer or any Deputy Returning Officer Poll Clerk or Scrutineer shall in the discharge of his duties under this Act at or concerning any election learn or have the means of learning for what candidate any person shall vote or have voted at such election he shall not by word or act or any other means whatsoever directly or indirectly divulge or discover or aid in divulging or discovering the same save in answer to some question which he is legally bound to answer or in compliance with the express provisions of the law relating to parliamentary elections and every such Returning Officer Substitute Deputy Poll Clerk or Scrutineer who shall knowingly and wilfully offend against the provisions of this section shall be guilty of a misdemeanour.

Penalty for neglect of duty.

69. If the Returning Officer of any district or if any person having been appointed Substitute for a Returning Officer or Deputy

Regulation of Elections.

Returning Officer at any election for the same respectively and having undertaken so to act shall be guilty of any wilful misfeasance or wilful or negligent act of commission or omission contrary to any of the provisions herein contained and not otherwise provided for he shall forfeit and pay for every such offence a penalty not less than ten nor more than two hundred pounds.

PROVINCIAL ELECTIONS.

70. Subject to the provisions hereinafter contained every election of the Superintendent of any Province not established under "The New Provinces Act 1858" and every election of a Member of the Provincial Council of any Province however established shall be conducted in the manner prescribed by this Act for the election of Members of the House of Representatives.

Provisions of Act to apply to Provincial elections.

71. The Governor shall from time to time appoint and remove Returning Officers for the several Electoral Districts within the Provinces as occasion may require and the Governor shall have the same powers of appointing and altering polling places and principal polling places for Electoral Districts for the election of Superintendents and Members of Provincial Councils as under the provisions hereinbefore contained he has for Electoral Districts for election of Members of House of Representatives.

Appointment of Returning Officers.

72. When a Superintendent of any Province is to be elected under the provisions of this Act the whole of such Province shall be deemed to be one Electoral District and one writ only shall be issued for such election and shall be addressed to the Returning Officer appointed under the last preceding section of this Act for the capital town of the Province and the nomination shall be held at such town.

Election of Superintendent.

73. Every writ for the election of a Superintendent under this Act or for the election of a Member of a Provincial Council of a Province where no such Council is in existence shall be issued by the Governor under the Public Seal of the Colony and it shall not be necessary for the Governor to sign the same. Every such writ shall be returnable to the Governor within such time not exceeding seventy days from the issue as shall be appointed in the writ and such writ may be in the form in the Seventh Schedule hereto.

Writs for election of Provincial Council and Superintendent to be issued by Governor.

74. Every writ for the election of a Member of a Provincial Council shall during the continuance of such Council be issued by and returnable to the Superintendent and the return day shall be appointed by the Superintendent and stated in the writ and such writ shall be under the Public Seal of the Province and need not be signed by the Superintendent and such writ may be in the form in the Seventh Schedule hereto.

Seventh Schedule.

Writs during continuance of Council to be issued by Superintendent.

75. The parcels and packets by this Act required to be made and sealed up shall in the case of an election of a Superintendent or Member of a Provincial Council of a Province be sent to the Registrar or Deputy Registrar of the Supreme Court for the Judicial District comprising the town at which the nomination for the election of the Superintendent of the Province ought under this Act to be held and the provisions of this Act relating to parcels and packets deposited with the Clerk of the House of Representatives and to the keeping thereof and to the proof of the contents thereof and to the effect thereof as evidence and to the offences which may be committed in relation thereto shall apply to the parcels and packets in this section mentioned with the substitution of the Registrar or Deputy Registrar of the Supreme Court for the time being having the custody of such parcels and packets for the Clerk of the House of Representatives.

Parcels and packets to be sent to Supreme Court.

Regulation of Elections.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

Section 3.

Years and Numbers of Acts.	Titles or Short Titles.	Extent of Repeal.
15 and 16 Vict. c. 72 (Imperial)	"The Constitution Act"	Fifty-first section.
21 and 22 Vict. No. 11	"The Elections Writs Act, 1858"	The whole.
21 and 22 Vict. No. 56	"The Regulation of Elections Act, 1858"	The whole.
21 and 22 Vict. No. 57	"The Corrupt Practices Prevention Act, 1858"	The ninth section.
26 Vict. No. 10	"The Miners Representation Act, 1862"	The fifth and seventh sections.
27 Vict. No. 20	"The Regulation of Elections Act Amendment Act, 1863"	The whole.
21 and 22 Vict. No. 59	"The Provincial Elections Act, 1858"	The fifth sixth seventh and eighth sections.
32 and 33 Vict. No. 16	"The Provincial Elections Act Amendment Act, 1869"	The fourth section, except so much thereof as relates to the validity of writs issued by the Governor before the passing of the said Act.

SECOND SCHEDULE.

Section 8.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, To the Returning Officer of the Electoral District of _____ Greeting.

WE command you that you proceed according to law to the election of _____ Member to serve in the House of Representatives for the said district: And we do further command you that this our writ, with the name of the person so elected endorsed hereon by you, shall be returned to the Clerk of the Writs on or before the day of _____

Witness A.B., Clerk of the Writs at _____ this _____ day of _____ 18____

THIRD SCHEDULE.

Section 18.

In pursuance of "The Regulation of Elections Act, 1870," I _____ Returning Officer for the Electoral District of _____ do hereby give notice that, by virtue of a writ bearing date the _____ day of _____ 18____ under the Public Seal of the Colony, an election will be held for the return of _____ qualified person to serve as Member of the House of Representatives for the said Electoral District, and that the nomination of candidates will take place at _____ at noon, on the _____ day of _____ 18____ and that the poll, if necessary, will be taken on the _____ day of _____ 18____

A.B.

Returning Officer.

The following are polling places for the Electoral District of
[Insert a list of Polling Places.]

A.B.

Returning Officer.

Regulation of Elections.

FOURTH SCHEDULE.

To the Returning Officer for the Electoral District of
 I, the undersigned, hereby give notice that I withdraw my name as a candidate at the
 election of Member of the House of Representatives for the Electoral District
 of the nomination wherefor was held on the day of 18
 Signature
 Abode
 Qualification

Section 24.

Signed in the presence of
 C.D. a Justice of the Peace.

FIFTH SCHEDULE.

In consequence of the withdrawal of the above-named candidate, the following person[s]
 s [are] duly elected for the above-named district.

Section 24.

Name.	Place of Abode.	Qualification.

A.B.
 Returning Officer.

SIXTH SCHEDULE.

Electoral District of
 Candidates' names (*arranged in alphabetical order of surnames*).

Section 26.

A.B.
 C.D.
 &c.

DIRECTIONS.

THE Voter is to strike out the name of every candidate for whom he does not intend to vote, by drawing a line through the name with a pen or pencil. He must be careful not to leave uncanceled the names of more than [*Insert number of Members to be returned*] or this paper will be invalid. The ballot papers must then be folded so as to conceal the names of the candidates, and the number written on the lower edge of the back, and so as to show the stamp on the back.

The ballot paper must then be put in the ballot box by the voter.
 The ballot paper must not be taken out of the booth.

SEVENTH SCHEDULE.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and
 Ireland Queen, Defender of the Faith, To the Returning Officer [appointed
 under the sixty-ninth section of "The Regulation of Elections Act, 1870," for
 the Town of] [for the Electoral District of], Greeting :

Section 73.

We command you that you proceed according to law to the election of [a Superin-
 tendent of the Province of] [Member to serve in the Provincial
 Council of for the said district] : And we do further command you that this
 our writ, with the name of the person so elected indorsed hereon by you, be returned
 to the [Governor of our Colony of New Zealand] [Superintendent of the said Province]
 at on or before the day of

In witness whereof we have caused this our writ to be sealed with the Public
 Seal of [our said Colony] [the said Province] this day of 187

WELLINGTON, NEW ZEALAND :

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